

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

FLOYD GUTIERREZ,

Plaintiff,

v.

Civ. No. 19-1172 JB/GJF

CURRY COUNTY ADULT DETENTION  
CENTER,

Defendant.

**ORDER REGARDING FILING FEE**


THIS MATTER is before the Court on Plaintiff's "Application to Proceed in District Court Without Prepaying Fees or Costs" [ECF 5] ("Motion"). The filing fee for Plaintiff's civil rights complaint [ECF 6] is \$350—which Plaintiff is required to pay notwithstanding his status as a prisoner. 28 U.S.C. § 1915(b)(1) (stating that "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner *shall* be required to pay the *full amount* of a filing fee" (emphasis added)). Based on an analysis of Plaintiff's financial status under § 1915(b)(1), however, the Court will excuse Plaintiff from *prepaying* the full filing fee and from making the initial partial payment. *See* ECF 5; § 1915(a)-(b).

**IT IS THEREFORE ORDERED** that Plaintiff's Motion is **GRANTED** and the initial payment is **WAIVED**.

**IT IS FURTHER ORDERED** that Plaintiff either (1) file monthly financial certificates and "make monthly payments of 20 percent of the preceding month's income credited to [his] account," § 1915(b)(2), until the entire \$350 fee is paid or (2) show cause as to why such payments should be excused. Plaintiff's failure to comply with these orders may result in the **DISMISSAL** of the complaint *without further notice*.

**IT IS FURTHER ORDERED** that the Clerk is directed to provide Plaintiff with two copies of the post-filing financial certificate.

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE